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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,407	07/09/2003	Phillip M. Santisi	8106.002.US	7945
69911 7590 04/28/2009 JAMES REMENICK NOVAK DRUCE & QUIGG, LLP 1300 I STREET NW SUITE 1000 WEST TOWER WASHINGTON, DC 20005			EXAMINER BRITTAIN, JAMES R	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 04/28/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,407

Applicant(s)

SANTISI, PHILLIP M.

Examiner

JAMES R. BRITAIN

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-32 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-32 and 39-43 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Prosen utilizes fabric-jacketed elastic cords, which is inherently a bungee cord, to secure loads such as cargo to vehicle racks wherein the configuration of the hook portions are adaptable to securement to a variety of surfaces such as polygonal, cylindrical and irregular surfaces. All the parts are interconnected. While there are clearly multiple straight sections, the applied force is spaced by the notches. These notches provide alternative utility to the hook. However, there can be no assertion that a hook formed by three straight perpendicular sections that would provide an uninterrupted application of force is novel in any manner and Crowley et al. (Figures 1, 4, 5) shows hooks 16, 116 with three straight perpendicular sections as being very well known in this field of endeavor. It would have been obvious to modify the hook of Prosen to have sections that would permit the uninterrupted application of a force since in this field of endeavor the use of a hook with such a configuration is old and well known in the art as taught by Crowley et al.

In regard to claim 5, the process of molding is fully capable of forming the aperture 5. As to claims 6 and 7, these relative dimensions are formed by sections of the hook portion of Prosen's device as also by the device of Crowley et al. In regard to claim 8, figure 6 of Prosen shows the hook portion in a single plane. As to claim 9, figure 5 of Prosen shows that it is possible to configure planes perpendicular to the plane of the paper and aligned with the first and third sections and Crowley et al. shows similar structure. In regard to claim 11, the claims utilize the open-ended language "comprising" and the pinch section identified above is rod-shaped with a rounded end so as to meet the claim language while permitting other structure. As to claim 15, the

pinch section identified above is between and therefore separates the grip portion from the attachment portion. In regard to claim 16, the pinch section identified above pinches the cord and therefore keeps that portion of the cord from entering the grip portion 5. As to claim 18, cargo is considered equipment for a purpose. In regard to claim 21, as pointed out above there are multiple straight angled portions connected together to form a hook portion as taught by Prosen in view of Crowley et al. as applied above and the configuration spreads the force. Similarly, with respect to claim 42, the "rod" isn't defined as constant cross-section and all that is required is that the device be "formed from a single rod". The deformations steps could well give rise to a flattening to create a configuration as shown by Prosen. These process limitations add nothing to the final article structure.

Claims 2-4, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen (US 5035558) in view of Crowley et al. (US 5809620) as applied to claim 1 above and further in view of Chuan (US 4831692).

Prosen (figure 5) teaches a clasp 3 as an intermediate hook. The difference with regard to claim 2 is that the hook of figure 5 is an intermediate hook rather than being found at the ends of the cord. However, Chuan (figures 1-3, 5, 7) teaches that it is desirable to secure clasps with grip portions at the ends of the cord without intermediate hooks wherein there are reduced gaps in the attachment portions that would pinch the cord in a similar manner to that of Prosen. As Prosen as modified by Crowley et al. teach that it is desirable to configure the hook portion with perpendicular portions for both the end hooks and the intermediate hooks and Chuan teaches that it is desirable to

secure clasps with grip portions at the ends of the cord without intermediate hooks wherein there are reduced gaps in the attachment portions that would pinch the cord, it would have been obvious to further modify the end hooks of Prosen so as utilize hooks with a pinching portion at the ends as taught by Chuan while maintaining the perpendicular sections taught by Prosen since Prosen wishes to keep the angular hook portion because of its greater use in securing the clasp to various shapes. As to claims 12 and 13 Chuan teaches that the use of steel is conventional for forming the hooks as would be expected because of its strength (col. 1, lines 19-25).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen (US 5035558) in view of Crowley et al. (US 5809620) as applied to claim 5 above and further in view of Roethler (US D357402).

Further modification of the hook of Prosen such that the grip is molded as a curved rounded rod would have been obvious in view of Roethler (figure 1) teaching such structure as being old and well known.

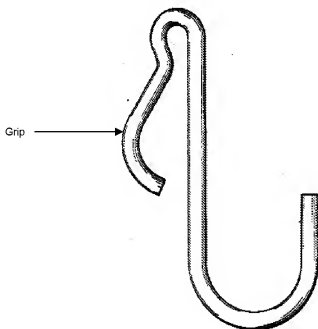


FIG. 1

Claims 22-28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen (US 5035558) in view of Crowley et al. (US 5809620) as applied to claim 1 above and further in view of Roethler (US D357402) and Chuan (US 4831692).

Further modification of the hook of Prosen such that it is a single round rod would have been obvious in view of Roethler (figure 1) which shows a single round rod used as a hook for an elastic cargo tie-down cord with a grip section

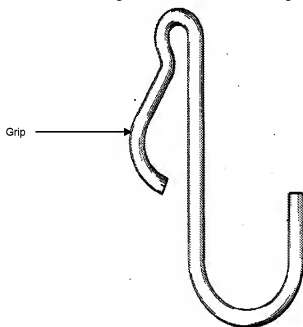


FIG. 1

and to further have the hook found at the ends of the cord would have been obvious in view of Chuan (figures 1-3, 5, 7) showing such structure at the ends of a single cord. As to claim 25, claim 22 has been amended to define the single rounded rod in a non-process form and Roethler shows a grip in the single rounded rod.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen (US 5035558) in view of Crowley et al. (US 5809620) as applied to claim 1 above and further in view of Simon (US 3328064).

Further modification of the hook of Prosen (figure 5) such that the hook is made of steel or aluminum would have been obvious in view of Simon (figure 2) teaching the use of aluminum or steel as being desirable for clasps because of their ability to resist corrosion (col. 3, lines 8-12).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen (US 5035558) in view of Crowley et al. (US 5809620), Roethler (US D357402) and Chuan (US 4831692) as applied to claim 22 above, and further in view of Simon (US 3328064).

Further modification of the metal clasp of Prosen so that the metal is aluminum would have been obvious in view of Simon (figure 2) teaching the use of aluminum or steel as being desirable for clasps because of their ability to resist corrosion (col. 3, lines 8-12).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen (US 5035558) in view of Crowley et al. (US 5809620) as applied to claim 1 above and further in view of Yonts (US 4842236).

Further modification of the hook of Prosen (figure 5) so that the first section is attached to the grip portion would have been obvious in view of Yonts (figures 2, 3) teaching placing the grip portion 10 so that the first section separates the grip portion

from the second and third sections of the hook portion so as to provide a useful way to apply force to attach the hook portion.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen (US 5035558) in view of Crowley et al. (US 5809620) as applied to claim 19 above and further in view of Schrader (US 6113327).

Further modification of the hook of Prosen (figure 5) such that the cargo is a ladder would have been obvious in view of Schrader (figure 11) shows that the cargo or equipment can be in the form of a ladder.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen (US 5035558) in view of Crowley et al. (US 5809620), Roethler (US D357402) and Chuan (US 4831692) as applied to claim 30 above, and further in view of Schrader (US 6113327).

Further modification of the metal clasp of Prosen so that the clasp and bungee cord is utilized to secure a ladder would have been obvious in view of Schrader (figure 11) teaching that the cargo or equipment can be in the form of a ladder, a well known use.

Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab (US 5797167) in view of Prosen (US 5035558) and Crowley et al. (US 5809620).

Schwab (figures 1, 2, 4) teaches a securing device comprising a plurality of cords 1, 2 having two ends apiece, wherein one end of each cord is connected to one other cord at a single position 7 and the other ends of the cords are connected to a clasp 8 to

define a symmetric structure at each end. The difference is that the clasp fails to have a grip portion and the three perpendicular sections defined by claim 1 with the application of a force smoothly over its surface. However, Prosen (figure 5) teaches a clasp 3 comprising a hook portion, a grip portion and an attachment portion, the hook portion comprising a first section, a second section and a third section, wherein the first section is connected to and perpendicular with the second section, the second section connected to and perpendicular with the third section. Prosen utilizes fabric-jacketed elastic cords, which is inherently a bungee cord, to secure loads such as cargo to vehicle racks wherein the configuration of the hook portions are adaptable to securement to a variety of surfaces such as polygonal, cylindrical and irregular surfaces. All the parts are interconnected. While there are clearly multiple straight sections, the applied force is spaced by the notches. These notches provide alternative utility to the hook. However, there can be no assertion that a hook formed by three straight perpendicular sections that would provide an uninterrupted application of force is novel in any manner and Crowley et al. (Figures 1, 4, 5) shows hooks 16, 116 with three straight perpendicular sections as being very well known in this field of endeavor. As improving the manipulation of the clasp of Schwab would be desirable as would those surfaces to which the hook portion can engage, it would have been obvious to modify the clasp of Schwab so that the clasp has three perpendicular sections and applies the force smoothly in view of Prosen providing a grip portion and three perpendicular sections on the hook and further have sections that would permit the

uninterrupted application of a force since in this field of endeavor the use of a hook with such a configuration is old and well known in the art as taught by Crowley et al.

As to claim 41, given that Schwab joins the ends of the cord 1, 2 together in the seats of the clasp, applicant is given Official Notice that it would have been obvious to knot the ends together so as to form a better connection. As applicant has not traversed the finding of Official Notice, this finding is made final as common knowledge taken to be admitted prior art.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab (US 5797167) in view of Prosen (US 5035558) and Crowley et al. (US 5809620) as applied to claim 39 above, and further in view of Vasilopoulos (US 5722125).

Further modification of the device of Schwab so that a ring is used to join the ends of the cords would have been obvious in view of Vasilopoulos (figure 2) teaching the use of a ring 12 to unite the ends of cords to be desirable so as to form a securing fastener.

Claim Objections

Claim 22 is objected to because of the following informalities: The term "of" (line 9) is misspelled. Appropriate correction is required.

Response to Arguments

Applicant's arguments filed January 30, 2009 have been fully considered but they are not persuasive.

Applicant argues that Prosen fails to teach the three straight sections that spreads force along the connecting surface and in response to this amendment Crowley

et al. is added to the rejection to show that the three totally straight and perpendicular sections of a hook are very well known in this field of endeavor and it would have been obvious to use such a hook for its well known purpose in this field while maintaining the grip of Prosen.

Claims 14 and 22 have finally been amended to begin to indicate that the final product is a rod and in response to this amendment, Roethler has been incorporated to show this structure in an attachable elastic cargo tie-down hook.

Applicant repeatedly stresses the use of the term "interconnected". Obviously, a one piece device is fully connected so that all portions are "interconnected". Applicant has failed to define a structural difference. As to claims 39 and 41, obviously knotting two cords or joining two cords together at a single location isn't patentable. The patentable subject matter lies in the hook and it is unclear why the particular structure in sequence isn't being claimed.

As to claim 39, there is nothing in the claim as presently worded that prohibits the scope from including the first ends of the two cords connected within a hook and the second ends of the two cords connected in a second hook.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. BRITTAIN whose telephone number is (571)272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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/James R. Brittain/
Primary Examiner, Art Unit 3677

JRB